

REMARKS

Examiner's note alleging failure to file a certified copy of the priority document is not completely understood. As indicated by the postcard receipt –copy enclosed– the certified copy of the priority document 102 34 420.5 has been filed July 25, 2003, along with the Patent Application.

The objection to the Specification is believed to be addressed by the present amendment.

The claims analysis set forth in the Action is correct.

Applicants confirm the Examiner's presumption relative to the ownership of the claims.

The invention is predicated on the finding that the molecular weight of the poly(ester)carbonate, the content of polyalkylene terephthalate and the chemistry of the graft copolymer have a critical effect on the properties of the inventive composition. Attention is called to the working examples described in pages 24 et seq. and to the table in page 29 where the properties of the inventive compositions are compared to corresponding compositions that differ in any one of the critical parameters referred to above:

A comparison between Examples 1, C1, C2, and 2 ("C" denotes a comparison example) points to the criticality of the chemistry of the graft (co)polymer. In Examples 1 and 2, the grafted phase contains the stated content of polymerized acrylate monomers; the grafted phases in Examples C1 and C2 contain no polymerized acrylate. The lower impact strengths, elongations at tear and weld line strengths are attributed to this difference.

Examples 3, C3 and C4 the compositional makeup of which differ only in terms of the molecular weights of the included polycarbonate (28,000; 23,000 and 18,000 respectively) point to the substantial advantages in terms of impact strength, stress cracking resistance, elongation at tear and weld line strength that characterize the inventive composition.

Examples 4, 5, C5 and C6 enable a comparison between compositions that differ one from the other in terms of their respective contents of polyalkylene terephthalate. Improved impact strength and flame retardance characterize the inventive compositions.

Claims 1-20 stand rejected under 35 U.S.C. 103(a) said to be unpatentable over U.S. Patent 6,174,943 to Matsumoto et al. (Matsumoto).

Matsumoto that disclosed thermoplastic compositions that contain polycarbonate (A) and aromatic polyester (B) requires their relative amounts to be in the range of (A)/(B) = 99/1 to 50/50 (column 2, line 41). There is no evidence that Matsumoto recognized the advantages attributable to the presently claimed amount of polyalkylene terephthalate. Moreover, since the molecular weight of Matsumoto's polycarbonate is "not particularly limited" (column 4, line 45) there is nothing to suggest the instantly claimed molecular weight. Lastly, while the optionally included graft polymer (Matsumoto's component E) is broadly described (column 11, lines 20 et seq.) there is no recognition of the advantages attributed to the claimed graft (co)polymer in the present context.

Reconsideration and withdrawal of the rejection in light of the surprising and unexpected results characterizing the claimed composition are requested.

Claims 1-20 stand rejected under 35 U.S.C. 103(a) said to be unpatentable over Eckel et al (EP 0594021-A2 as evidenced by U.S. Patent 6,590,015 (Eckel).

Eckel disclosed a composition containing presently relevant components yet evidenced no recognition of the indicated criticality of the parameters differentiating the presently claimed invention. The molecular weight of the referenced polycarbonate is disclosed (column 3, lines 48 et seq.) as ranging from 10,000 to 200,000; The amount of polyalkylene terephthalate is 05 to 40 parts by weight (column 2, line 1) and nothing in the disclosure of the graft polymer (column 4, lines 49 et seq.) points to the advantages attributable to the claimed graft.

In light of the showing of the surprising and unexpected results discussed above Applicants respectfully submit that the rejection alleging obviousness over Eckel is untenable and request its retraction.

Claims 1-20 stand rejected under 35 U.S.C. 103(a) said to be unpatentable over Koyama et al (JP 08-073692-A as evidenced by JPO machine translation and USPTO translation of the tables) herein Koyama.

Koyama disclosed compositions containing presently relevant components yet failed to recognize the criticality of molecular weight of polycarbonate . The molecular weight of the referenced polycarbonate, 16,000 to 29,000 (page 1 of the translation) is contrary to a key feature of the present invention. Also contrary to the present invention is the referenced relative amount of polyalkylene terephthalate. Lastly, there is nothing in Koyama to suggest the claimed graft (co)polymer for its presently found advantages over the other grafts disclosed.

In light of the surprising and unexpected results discussed above Applicants respectfully submit that the rejection alleging obviousness over Koyama is untenable and solicit its retraction.

Believing the above represent a complete response to the Office Action and that the application is in condition for allowance, Applicants request the earliest issuance of an indication to this effect.

Respectfully submitted,

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